

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

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**ISIAH V. WILLIAMS,**

**Plaintiff(s),**

**CASE NUMBER: 05-72072  
HONORABLE VICTORIA A. ROBERTS**

**v.**

**COMMISSIONER OF SOCIAL  
SECURITY,**

**Defendant(s).**

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**ORDER DENYING PLAINTIFF'S  
MOTION FOR RECONSIDERATION**

Plaintiff Isiah Williams requests that this court "reconsider" Magistrate Judge Mona K. Majzoub's Order Denying Plaintiff's Motion for Appointment of Counsel. See *Order*, July 12, 2005. Plaintiff's request, in fact, is an objection to Magistrate Majzoub's Order, which is governed by FRCP 72(a).

Under FRCP 72(a),<sup>1</sup> a magistrate's ruling on a nondispositive motion cannot be

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<sup>1</sup>FRCP 72(a) states:

(a) Nondispositive Matters. A magistrate judge to whom a pretrial matter not dispositive of a claim or defense of a party is referred to hear and determine shall promptly conduct such proceedings as are required and when appropriate enter into the record a written order setting forth the disposition of the matter. Within 10 days after being served with a copy of the magistrate judge's order, a party may serve and file objections to the order; a party may not thereafter assign as error a defect in the magistrate judge's order to which objection was not timely made. The district judge to whom the case is assigned shall consider such objections and shall modify or set aside any portion of the magistrate judge's order found to be clearly erroneous or contrary to law.

reversed unless it was clearly erroneous or contrary to law. See also *Brown v Wesley's Quaker Maid, Inc.*, 771 F.2d 952, 954 (6<sup>th</sup> Cir. 1985); *Haworth, Inc. v Herman Miller, Inc.*, 162 F.R.D. 289, 291 (W.D. Mich. 1995). "The 'clearly erroneous' standard applies only to the magistrate judge's factual findings; his legal conclusions are reviewed under the plenary 'contrary to law' standard . . . . Therefore, [the reviewing court] must exercise independent judgment with respect to the magistrate judge's conclusions of law."

*Haworth*, 162 F.R.D. at 291 (citations omitted).

Magistrate Majzoub denied Plaintiff's request because she found that this case is not exceptionally complex, and that there are means by which Plaintiff can himself secure counsel on a contingent fee basis or through a legal aid organization. Plaintiff failed to show that Magistrate Majzoub's findings are either clearly erroneous or contrary to law. Therefore, Plaintiff's motion is **DENIED**.

s/Victoria A. Roberts

Victoria A. Roberts

United States District Judge

Dated: July 26, 2005

The undersigned certifies that a copy of this document was served on the attorneys of record by electronic means or U.S. Mail on July 26, 2005.

s/Linda Vertriest

Deputy Clerk